

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

THOMAS J. SQUIREK,

Plaintiff,

v.

BUREAU OF INDIAN AFFAIRS, AND
THE UNITED STATES OF AMERICA,

Defendants.

Case No. 3:24-cv-00206

**UNITED STATES' MOTION TO DISMISS
FIRST AMENDED COMPLAINT**

The United States of America, by Mac Schneider, United States Attorney for the District of North Dakota, and James Patrick Thomas, Assistant United States Attorney, on behalf of defendants Bureau of Indian Affairs and the United States of America (collectively "United States") moves the Court under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure for an order dismissing Plaintiff's First Amended Complaint for lack of jurisdiction and, in the alternative, for failure to state a claim upon which relief can be granted.

This motion is supported by United States' Memorandum in Support of Motion to Dismiss First Amended Complaint, related filings, and all other filings in this case.

Dated: January 6, 2025

MAC SCHNEIDER
United States Attorney

By: /s/ James Patrick Thomas
JAMES PATRICK THOMAS
Assistant United States Attorney
ND Bar ID 06014
P.O. Box 699
Bismarck, ND 58502-0699
(701) 530-2420
james.p.thomas@usdoj.gov
Attorney for United States of America,
and Bureau of Indian Affairs

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2025, the following documents:

1. United States' Motion to Dismiss First Amended Complaint;
2. United States' Memorandum in Support of Motion to Dismiss First Amended Complaint;
3. Declaration of Rebeca Pock in Support of United States' Motion to Dismiss;
and
4. Declaration of Stell Fallon in Support of United States' Motion to Dismiss,
with Exhibits 1-3.

were filed electronically with the Clerk of Court through ECF on January 6, 2025, were printed
and mailed by first-class mail, postage paid, to the following non-ECF participant:

Thomas J. Squirek
9275 34th Street NE
Tolna, ND 58380

A handwritten signature in blue ink that reads "Jacqueline Haag". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Jacqueline Haag, Legal Assistant
Office of the United States Attorney